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NOTICE OF ALLOWANCE AND FEE(S) DUE

25920

7590

04/30/2009

MARTINE PENILLA & GENCARELLA, LLP
710 LAKEWAY DRIVE
SUITE 200
SUNNYVALE, CA 94085

EXAMINER

CHENG, PETER L.

ART UNIT

PAPER NUMBER

2625

DATE MAILED: 04/30/2009

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,866	10/16/2003	Toshiaki Kakutani	MIPF058	9466

TITLE OF INVENTION: IMAGE PROCESSING APPARATUS FOR CONVERTING COLOR DATA BY REFERRING A RECONSTRUCTED COLOR CONVERSION TABLE AND AN IMAGE PROCESSING METHOD FOR THE SAME

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	07/30/2009

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** **Mail Stop ISSUE FEE**
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or Fax **(571)-273-2885**

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

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Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

25920 7590 04/30/2009

MARTINE PENILLA & GENCARELLA, LLP
 710 LAKEWAY DRIVE
 SUITE 200
 SUNNYVALE, CA 94085

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/688,866

10/16/2003

Toshiaki Kakutani

MIPE058

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nonprovisional	NO	\$1510	\$300	\$0	\$1810	07/30/2009

EXAMINER	ART UNIT	CLASS-SUBCLASS
CHENG, PETER L	2625	358-518000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
- 3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

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This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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EXAMINER

CHENG, PETER L.

ART UNIT

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Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 940 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 940 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability**Application No.**

10/688,866

Applicant(s)

KAKUTANI, TOSHIKI

Examiner

PETER L. CHENG

Art Unit

2625

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/28/2009.
2. ☒ The allowed claim(s) is/are 1-10.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/P. L. C./
Examiner, Art Unit 2625

/King Y. Poon/
Supervisory Patent Examiner, Art Unit 2625

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with **Peter B. Martine (Reg. No. 32,043)** on **4/24/2009**.

2. The claims have been amended as follows:

In claim 1:

Lines 1 - 2, change

"converts **first** image data expressed in a first color system"

to --- converts **[[first]]** image data expressed in a first color system ---;

Lines 2 - 3, change

"into **second** image data expressed in a second color system"

to --- into **[[second]]** image data expressed in a second color system ---;

Line 3, since the **color conversion module** refers to the **reconstructed color conversion table** [please see claim 1, line 25], a **color conversion table** [in line 3] is not the same as the **color conversion table** [in line 4]; therefore, change
"by referring to a color conversion table"

to --- ~~[[by referring to a color conversion table]]~~ ---;

Line 4, change
"the color conversion table"

to --- ~~[[the]]~~ a color conversion table ---;

Line 26, the **first image data expressed in the first color system** of the **reconstructed color conversion table** [in claim 1, line 25] is not the same as the **first image data expressed in the first color system** which is cited in claim 1, lines 1 – 2 and lines 6 – 7; with respect to the change made for claim 1, lines 1 – 2, change
"convert the **first** image data expressed in the first color system"

to --- convert the **[[first]]** image data expressed in the first color system ---;

Lines 26 - 27, change

"into encoded **second** image data"

to --- into encoded **[[second]]** image data ---;

Line 28, change

"the encoded **second** image data"

to --- the encoded **[[second]]** image data ---;

Lines 29 - 30, with respect to the change made for **claim 1, lines 2 – 3**,

change

"specifying the **second** image data expressed in the second color system"

to --- specifying the **[[second]]** image data expressed in the second color system
---;

In claim 2:

Line 2, per **claim 1**, lines **17** and **21 – 22**,

change

“said color conversion module”

to --- said color conversion **table reconstruction** module ---;

Line 3, per **claim 1**, lines **17** and **21**,

change

“the second image data”

to --- the **specified** second image data ---;

Lines 3 - 4, per **claim 1**, lines **17** and **21**,

change

“the second image data”

to --- the **specified** second image data ---;

In claim 3:

Line 3, change

“the non-encoded second image data”

to --- ~~[[the]]~~ non-encoded second image data ---;

In claim 4:

Line 2, per **claim 1, lines 23 – 24**,

change

“reconstructs a color conversion table”

to

--- **generates said reconstructed** ~~[[reconstructs a]]~~ color conversion table ---;

Line 3, change

“the number of lattice points”

to --- ~~[[the]]~~ **a** number of lattice points ---;

In claim 5:

Line 2, per the change made for **claim 1, lines 26 – 27**,

change

“the encoded **second image data”**

to --- the encoded **[[second]]** image data ---;

In claim 6:

Line 3, per the change made for **claim 1, lines 26 – 27**,
change

“the encoded **second** image data”

to --- the encoded **[[second]]** image data ---;

Lines 3 - 4, change

“the non-encoded second image data”

to --- **[[the]]** non-encoded second image data ---;

Lines 5 - 6, per the change made for **claim 1, lines 26 – 27**,
change

“the encoded **second** image data”

to --- the encoded **[[second]]** image data ---;

In claim 9:

Lines 1 - 2, change

"converts **first** image data expressed in a first color system"

to --- converts **[[first]]** image data expressed in a first color system ---;

Line 2, change

"into **second** image data expressed in a second color system"

to --- into **[[second]]** image data expressed in a second color system ---;

Line 3, change

"by referring to a color conversion table"

to --- **[[by-referring-to-a-color-conversion-table]]** ---;

Line 4, change

"**the** color conversion table"

to --- **[[the]] a** color conversion table ---;

Lines 22 - 23, change

"convert the **first** image data expressed in the first color system"

to --- convert the **[[first]]** image data expressed in the first color system ---;

Line 23, change

"into encoded **second** image data"

to --- into encoded **[[second]]** image data ---;

Line 25, change

"the encoded **second** image data"

to --- the encoded **[[second]]** image data ---;

Lines 26 - 27, change

"specifying the **second** image data expressed in the second color system"

to --- specifying the **[[second]]** image data expressed in the second color system

---;

In claim 10:

Lines 3 - 4, change

"converts **first** image data expressed in a first color system"

to --- converts **[[first]]** image data expressed in a first color system ---;

Line 4, change

"into **second** image data expressed in a second color system"

to --- into **[[second]]** image data expressed in a second color system ---;

Lines 4 - 5, change

"by referring to a color conversion table"

to --- **[[by referring to a color conversion table]]** ---;

Line 7, change

"the color conversion table"

to --- **[[the]]** a color conversion table ---;

Lines 25 - 26, change

"convert the **first** image data expressed in the first color system"

to --- convert the **[[first]]** image data expressed in the first color system ---;

Line 26, change

"into encoded **second** image data"

to --- into encoded **[[second]]** image data ---;

Line 28, change

"the encoded **second** image data"

to --- the encoded **[[second]]** image data ---;

Lines 29 - 30, change

"specifying the **second** image data expressed in the second color system"

to --- specifying the **[[second]]** image data expressed in the second color system

---;

3. The specification has been amended as follows:

On **page 4** (of the *Response to Office Action* mailed 7/28/2008), **replacement paragraph 114, line 10**, change

"dot density data **101**"

to --- dot density data '**0**' ---;

In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

Allowable Subject Matter

4. Claims 1 - 10 are allowed. The following is an examiner's statement of reasons for allowance.

Claims 1, 9 and 10 are respectively directed to

an image processing apparatus that converts image data expressed in a first color system into image data expressed in a second color system,

an image processing method that converts image data expressed in a first color system into image data expressed in a second color system,

and a computer-readable storage medium having a program stored thereon, said program including computer-executable instructions for causing a computer to attain an image processing method that converts image data expressed in a first color system into image data expressed in a second color system.

Claim 1 identifies the uniquely distinct features of:

an intermediate table generation module that makes the color conversion table subjected to a decoding process, so as to generate an intermediate color conversion table, where the decoding process restores the variation in tone value enhanced or compressed by the encoding process;

a color conversion table reconstruction module that specifies second image data corresponding to multiple lattice points, which are set to include at least different lattice points from newly added lattice points as well as existing lattice points, which are both included in the intermediate color conversion table, based on the intermediate color conversion table and makes the specified second image data subjected to the encoding process, so as to reconstruct a color conversion table that is used for actual color conversion from the intermediate color conversion table and generate a reconstructed color conversion table;

Claim 9 identifies the uniquely distinct features of:

a second step of making the color conversion table subjected to a decoding process, so as to generate an intermediate color conversion table, where the decoding process restores the variation in tone value enhanced or compressed by the encoding process;

a third step of specifying second image data corresponding to multiple lattice points, which are set to include at least different lattice points from newly added lattice points as well as existing lattice points, which are both included in the intermediate color conversion table, based on the intermediate color conversion table and making the specified second image data subjected to the encoding process, so as to reconstruct a color conversion table that is used for actual color conversion from the intermediate color conversion table and generate a reconstructed color conversion table;

Claim 10 identifies the uniquely distinct features of:

a second function of making the color conversion table subjected to a decoding process, so as to generate an intermediate color conversion table, where the decoding process restores the variation in tone value enhanced or compressed by the encoding process;

a third function of specifying second image data corresponding to multiple lattice points, which are set to include at least different lattice points from newly added lattice points as well as existing lattice points, which are both included in the intermediate color conversion table, based on the intermediate color conversion table and making the specified second image data subjected to the encoding process, so as to reconstruct a color conversion table that is used for actual color conversion from the intermediate color conversion table and generate a reconstructed color conversion table;

Although the Examiner finds no specific teaching in the FALK reference that the compressed LUT is a look up table with the tone interval of 33 (5-bit) instead of 255 (8-bit), Applicant's arguments that FALK's "compressed LUT" is different from the "compressed tone variation of the claimed subject matter", and that FALK does not disclose or suggest the claimed "intermediate table generation module" or "color conversion table reconstruction module" are persuasive.

(FALK does mention, in the *background of the invention*, a "sparse lookup table" with "thirty-three entries per dimension"; **page 1, paragraph 4, lines 14 – 17**. However, this characteristic of a "sparse lookup table" is not specifically a characteristic of FALK's "compressed LUT". FALK uses a "linear compression" function, whereas, the instant application uses an "exponential compression" function. *The instant application's compression function provides the ability to vary the precision of the CMYK tone values*

within an 8-bit value; encoded CMYK values have higher precision for lower tone values than higher tone values. On the other hand, FALK's compression function lowers the precision equally for all tone values but extends the range in order to correct the interpolation result due to saturation.)

Applicant's claims include elements which are not taught by the prior art nor rendered obvious. None of the references cited in the previous office action, **KAKUTANI [PCT Pub. No. WO02/32113 corresponding to US Patent 7,046,844 B2], FALK [US Patent Application Publication 2004/0046766 A1], or NEWMAN [US Patent 6,023,351]** teach these limitations.

Conclusion

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter L. Cheng whose telephone number is 571-270-3007. The examiner can normally be reached on MONDAY - FRIDAY, 8:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, King Y. Poon can be reached on 571-272-7440. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/King Y. Poon/
Supervisory Patent Examiner, Art Unit 2625
/plc/
May 1, 2009